

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

DOCTOR'S CHOICE MODESTO LLC, et
al.,

Defendants.

Case No. 1:21-cv-00690-AWI-SAB

**ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULING ORDER**

(ECF Nos. 27, 48, 74)

A scheduling order for this matter issued on October 5, 2021, which was subsequently amended on April 14, 2022. (ECF Nos. 27, 48.) On June 23, 2022, the Court consolidated case No. 1:21-cv-01304-AWI-SAB with the instant case and ordered an amended complaint be filed. (ECF No. 57. On June 28, 2022, Plaintiff filed the operative second amended complaint. (ECF No. 70.)

On July 20, 2022, the parties filed a “stipulation to amend scheduling order,” which the Court construes as a stipulated motion to modify the schedule, and in which the parties seek to continue all deadlines in the schedule approximately six months. (ECF No. 74.) The parties proffer the extensions are required in light of the consolidation of the two cases; namely additional discovery is required but cannot be commenced until all Defendants are served. The Court finds good cause exists to grant the parties’ stipulated motion. However, the parties are

1 reminded that requests to modify the schedule that are made on the eve of a deadline or thereafter
2 will be looked upon with disfavor and may be denied absent a showing of good cause for the
3 delay in seeking an extension. If such a request is made after a deadline, the party seeking the
4 nunc pro tunc extension must show additional good cause as to why the matter was filed late.

5 Accordingly, good cause appearing, IT IS HEREBY ORDERED that the parties'
6 stipulated motion to modify the schedule (ECF No. 74) is GRANTED. The scheduling order is
7 further modified as follows:

- 8 1. Fact Discovery Cut-Off: **January 18, 2023;**
- 9 2. Expert Disclosure Deadline: **February 1, 2023;**
- 10 3. Supplemental Expert Disclosure Deadline: **February 15, 2023;**
- 11 4. Expert Discovery Cut-Off: **March 29, 2023;**
- 12 5. Pretrial Motion Filing Deadline: **May 3, 2023;**
- 13 6. Pretrial Conference: **September 1, 2023 at 10:00 a.m.**, in Courtroom 2;
- 14 7. Jury Trial: **October 17, 2023 at 8:30 a.m.**, in Courtroom 2; and
- 15 8. All other aspects of the scheduling order continue to remain in effect.

16
17 IT IS SO ORDERED.

18 Dated: **July 20, 2022**


UNITED STATES MAGISTRATE JUDGE